

4294

ABLA rec'd
4/13/02
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AGREEMENT

Made this 21 day of January, 2002 by and between Choi Hyon Ku, t/a Mott's Market, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 233 12th Street, SE, ABC Application #4294, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

NOW, THEREFORE, the parties agree as follows:

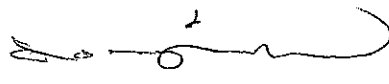
1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
 - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
 - c. asking loiterers to move on whenever they are observed outside the establishment; and,
 - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on; and,
 - e. keeping a written record of dates and times when the MPD is called for assistance; and,
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
 - b. sweeping the outside of the establishment on a daily basis, or more often if needed.


3. Applicant will not sell or provide cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") [pint and half-pint containers of liquor - for Class A licenses] only in clear or translucent plastic bags.
7. Applicant will only sell containers of singles with a sandwich or equivalent food sale [for deli's and sandwich shops].
8. Applicant will post signs advising its customers to respect the community and that Applicant will not sell alcohol to intoxicated persons. Additionally, Applicant agrees not to sell or deliver alcohol in any form to intoxicated person or person who appears to be intoxicated and will make an effort to recognize persons who abuse alcohol and not sell alcohol to such persons.
9. Applicant will sell goods which reflect the community's needs - including but not limited to grocery products, fresh foods, dairy products and household products. Applicant will de-emphasize alcoholic beverages, tobacco products, sweets and snacks.
10. Applicant agrees to stop the sale of singles when all other establishments within a five (5) block radius agree to the same. Additionally, Applicant agrees that should these same establishments stop selling single containers of beer of 32 ounces or more (for consumption off the premises), Applicant will stop selling the same.
11. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
12. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 
Hyon Ku Choi

By: 
Charles C. White

AGREEMENT

Made this ____ day of February, 1999, by and between Hyon Ku Choi t/a Mott's Market, ("Licensee"), and Advisory Neighborhood Commission 6B ("ANC"), as follows:

WHEREAS, Licensee's initial application or renewal application for a Retailer's Class B license for the premises at 233 12th Street, SE, Washington D.C. 20003, Application #4294, is now pending before the District of Columbia Alcoholic Beverage Control Board ("ABC Board");

WHEREAS, the premises is within the boundaries of the ANC;

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issuance or reissuance of a Retailer's Class B Liquor License at the subject premises;

WHEREAS, the ANC believes that the sale of single containers of beer of 40 ounces or less is associated with alcoholism, and the illegal public consumption of alcohol, which in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and costly trash and litter;

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner;

WHEREAS, the enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia;

WHEREAS, Licensee hereby certifies that either it does not owe more than \$100 to the District of Columbia government as a result of any fine, fee, penalty, interest or past due tax, or that arrangements satisfactory to the District of Columbia government have been made with and are being performed by Licensee; and

WHEREAS, Licensee declares that ending the sale of single containers of beer of a particular amount will result in financial hardship and will significantly limit the successful operation of

Licensee's business unless each and every liquor store within five (5) blocks of Licensee also agrees not to sell single containers of beer of the same particular amount.

NOW, THEREFORE, Licensee and ANC agree as follows:

1. Provided that each and every liquor store within five (5) blocks of Licensee agrees not to sell single containers of beer of 32 ounces or more, Licensee agrees not to offer for sale single containers of beer (for consumption off the store's premises) of 32 ounces or more.
2. Licensee will use its best efforts to prevent loitering and panhandling within 100 feet of the establishment by:
 - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment;
 - b. posting a sign inside requesting customers not to contribute to panhandlers;
 - c. asking loiterers to move on whenever they are observed outside the establishment;
 - d. calling MPD to remove the loiterers if they refuse Licensee's request to move on; and
 - e. not installing an outdoor pay telephone on or adjacent to the establishment, and by opposing the efforts of any other party to install an outdoor pay telephone.
3. Licensee will maintain the immediate environs of the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis; and
 - b. sweeping the outside of the establishment on a daily basis.
4. Licensee will participate in an ABC Board-approved course in alcoholic beverage sales, and file a certificate of successful completion with ANC within sixty (60) days of the date of this Agreement.
5. Licensee will post signs advising its customers to respect the community and that Licensee will not sell to intoxicated persons.
6. Licensee will not sell or deliver alcohol in any form to any

intoxicated person or to any person who appears to be intoxicated, and make an effort to recognize persons who abuse alcohol and not sell alcohol to such persons.

7. Licensee will not sell or deliver alcohol in any form to any person under 21 years of age.

8. Licensee will not provide "go-cups" to customers. A "go-cup" is defined in Section 709.7 of the ABC Regulations as a "drinking utensil provided at no charge or a nominal charge to customers for the purpose of consuming beverages."

9. In consideration of, and in reliance upon the commitments reflected in paragraphs 1-8, ANC hereby withdraws its opposition to Licensee's pending license application.

10. Licensee will advise all employees of Licensee of the provisions of this Agreement, particularly with respect to the sale of alcohol in any form, and require that all employees adhere to this Agreement.

11. Licensee acknowledges that if Licensee breaches any terms of this Agreement, ANC has the right to petition the ABC Board for issuance of an order to show cause pursuant to D.C.M.R. 1513.5

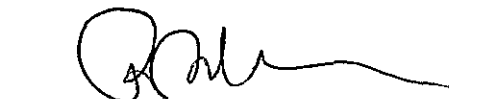
IN WITNESS WHEREOF, the parties have signed their names below.

Licensee

ANC 6B



By: Hyon Ku Choi



By:

Peter Waldron
3-15-99

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Choi Hyon Ku
t/a Mott's Market

Application for a Retailer's Class
B License – renewal application
at premises
233 12th Street, S.E.
Washington, D.C. 20003

Application no. 4294
2002-72

Charles C. White, Single Member District Commissioner, on behalf of Advisory
Neighborhood Commission 6B

Hyon Ku Choi, Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey Thompson, Member

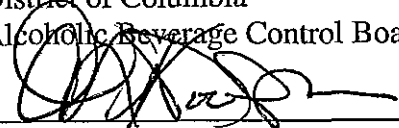
ORDER ON VOLUNTARY AGREEMENT

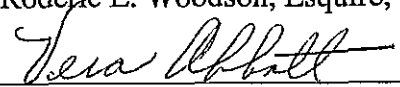
This matter came before the Board for approval on April 10, 2002. The signatories to the attached voluntary agreement, dated January 21, 2002, submitted the agreement to the Board in accordance with 23 DCMR Section 1513 (June 1997).

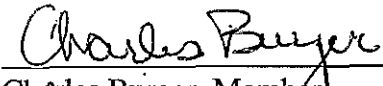
Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 24th day of April 2002, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATE** the text of the same into the Order.

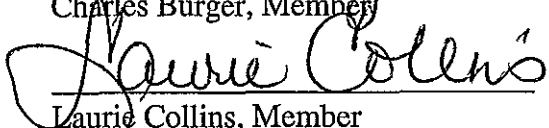
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t/a Mott's Market
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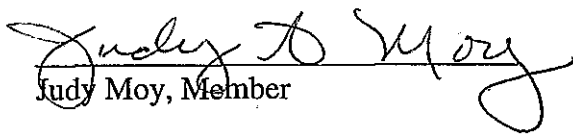
District of Columbia
Alcoholic Beverage Control Board


Roderie L. Woodson, Esquire, Chair


Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member

Ellen Oppen-Weiner, Esquire, Member

Audrey E. Thompson, Member